

Application No. 10/618,821
Docket No. 68764.21500

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

On re Application of:)
Rodney Craig MACAULAY, *et al.*) Confirmation No.: 5924
Application No.: 10/618,821) Group Art Unit: 3682
Filed: July 15, 2003) Examiner: Vinh LUONG

For: CABLE ACTUATOR FOR LUMBAR SUPPORT

COMMENTS ON STATEMENT OF REASONS
OF ALLOWANCE UNDER 37 C.F.R. § 1.104(e)

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This communication is in response to the Notice of Allowance mailed September 27, 2005. The following remarks are respectfully submitted.

Applicant thanks the Examiner for finding the allowable subject matter in the above-referenced application. In the Notice of Allowance, Applicant notes that in the Notice of Allowability, it indicated that claims 1-5 and 7-21 were allowed. However, in the written text portion of the same Notice of Allowability, Examiner noted that claims 1-5 and 7-15 were allowed. Applicant assumed that the indication of claims 7-15, rather than 7-21, is a typographical error. This assumption is based on the fact that the Notice of Allowability has issued in the case and claims 1-5 and 7-21 are pending. Further, claims 16-21 are dependent claims. If this assumption is not correct, the Applicant requests the Examiner contact the undersigned immediately to clarify this issue.

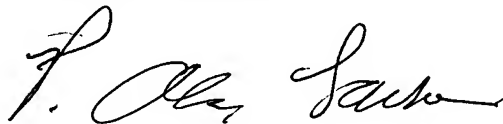
In the Statement of Reasons of Allowance, the Examiner stated that Darbyshire (U.S. Patent No. 5,797,652) does not teach or suggest the limitations, as such, "the spindle having two

oppositely-handed, threaded portions longitudinally spaced from each other with respect to an axis spindle rotates about" in claim 1 and a connecting means as claimed in claim 2 (renumbered as claim 16). Applicant asserts that there may be other reasons the claims are patentable and the patentability is not limited to the Examiner's stated reasons. Not all of the allowed claims in the present case require all of the language recited by the Examiner.

Further, the Examiner has indicated in a parenthetical that claim 2 is renumbered as claim 16. Applicant does not agree that claim 2 has been renumbered as claim 16, but rather claim 2 is still claim 2 in the case. Further, claim 16 depends on claim 2. Perhaps, the Examiner is referring to an internal PTO renumbering of which the Applicant is not aware. Applicant asserts that each of the claims are allowable in view of the language contained within the claims themselves and are entitled to the full scope of their literal language, as well as any and all equivalents under the doctrine of equivalence and 35 U.S.C. § 112 equivalents, and do not necessarily rely upon the specific above-dimensioned language. Applicant asserts that the claims, as amended, in the response to the Office Action filed September 6, 2005, are allowable as amended in that Office Action and the allowed claims are claims 1-5 and 7-21 as indicated on the Notice of Allowability sheet.

Respectfully submitted,

BAKER & HOSTETLER LLP



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Date: 12/23/05

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TRANSMITTAL OF FORMAL DRAWINGS

Mail Stop PGPUB Drawings
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Submitted herewith are five (6) sheets of replacement drawings, FIGS. 1-11, in connection with the above-referenced application.

Respectfully submitted,

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